

William Nelson
1523 132ND ST SE STE. C418
Everett, Washington 98208
425-645-9222 | 808-204-1401
william@seattleseahawks.me

HON. JUDGE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON AT (TACOMA DIVISION)

WILLIAM NELSON,

Plaintiff,

vs.

**WASHINGTON BOARD OF INDUSTRIAL
INSURANCE APPEALS ET AL.**

Defendants.

Case No.: 3:25-cv-05551-DGE

**PLAINTIFF'S MOTION TO CLARIFY
WHETHER THE COURT IS EFFECTING
SERVICE ON DEFENDANTS
(Fed. R. Civ. P. 4(c)(3); 28 U.S.C. § 1915(d))**

**Plaintiff respectfully requests that the Clerk place
this motion on the Court's motion calendar at the
earliest available date.**

William J. Nelson ("Plaintiff") respectfully moves the Court for clarification of whether the Court, through the United States Marshal or the Clerk's Office, is presently effecting service of the summons and complaint upon the above-named Defendants.

1. On June 23, 2025, the Court granted Plaintiff leave to proceed in forma pauperis. Under 28 U.S.C. § 1915(d) and Fed. R. Civ. P. 4(c)(3), once a plaintiff is authorized to proceed in forma pauperis the Court must order that service be made by the United States Marshal or a specially appointed person.
2. Plaintiff is a cognitively disabled individual relying on ADA-approved assistive technology to litigate. Consistent with Rule 4(c)(3), the Court's standard practice significantly reduces the burden on disabled and indigent litigants who cannot afford private process servers.
3. Plaintiff is deeply concerned that, despite Supreme Court mandates instructing courts to construe the pleadings of pro se litigants liberally, the instant proceedings appear to favor strict adherence to procedural

**PLAINTIFF'S MOTION TO CLARIFY WHETHER THE COURT IS EFFECTING SERVICE ON
DEFENDANTS(FED. R. CIV. P. 4(C)(3); 28 U.S.C. § 1915(D))PLAINTIFF RESPECTFULLY REQUESTS
THAT THE CLERK PLACE THIS MOTION ON THE COURT'S MOTION CALENDAR AT THE EARLIEST
AVAILABLE DATE. - 1**

technicalities drawn from the Law Clerk Handbook and other internal manuals or personal biases. Plaintiff fears that both Defendants and, hopefully unintentionally, the Court could weaponize procedural rules, form requirements, and technical merits screening to foreclose substantive access to justice. This fear is genuine and can be corroborated by Plaintiff's treating mental-health professionals.

4. Plaintiff further observes that the Court's responses to his ADA requests exhibit an appearance that disabled litigants are viewed as inconveniences rather than persons entitled to meaningful accommodation. Plaintiff wonders how many similarly situated individuals have been deterred or effectively denied access because ADA regulations were approached from a perspective of "**how can we deny**" rather than "**how can we enable.**" Plaintiff is unaware of any lawsuit alleging that this Court exceeded ADA requirements, whereas lawsuits alleging insufficient accommodation are well-documented nationwide.
5. To date, the Plaintiff is unaware if the docket reflects whether the Court has issued service directives for this case.
6. Plaintiff therefore requests a short clarifying order stating either (a) that the United States Marshal (or Clerk) will effect service on the Defendants.
7. This request is narrowly tailored, will expedite the early stages of the case, and imposes no prejudice on any party.

Respectfully submitted this 26 June 2025.

Respectfully submitted,



William Nelson, Pro Se
1523 132ND ST SE. STE C418
Everett, Wa 98208
(425) 645-9222 (desk)
(425) 800-8800 (mobile)
(808) 204-1401 (fax)
william@seattleseahawks.me (email)

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CERTIFICATE OF SERVICE

I declare under penalty of perjury of the laws of the State of Washington that on the date below a copy of the foregoing document was forwarded for service upon counsel of record as follows:

WASHINGTON STATE BOARD OF
INDUSTRIAL INSURANCE APPEALS;
TIMOTHY BLOOD
JANICE ROSEN

DEFENDANTS

- ☐ via U.S. Mail, first class, postage prepaid
- ☐ via Legal Messenger Hand Delivery
- ☐ via CM/ECF via courts website
- ☒ via E-mail:

timothy.blood@biia.wa.gov

janice.rosen@biia.wa.gov



WILLIAM NELSON
Plaintiff Pro Se

PLAINTIFF'S MOTION TO CLARIFY WHETHER THE COURT IS EFFECTING SERVICE ON
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